



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT



February 7, 2006

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Aumsville Plan Amendment
DLCD File Number 001-05 (Phase I)

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office. This adoption was adopted by the City on August 8, 2005, and passed the 21-day appeal period from the date of the adoption.

Appeal Procedures*

DLCD DEADLINE TO APPEAL: Acknowledged under ORS 197.625 and ORS 197.830 (9)

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.625 if no notice of intent to appeal is filed within the 21-day period set out in ORS 197.830 (9), the amendment to the acknowledged comprehensive plan or land use regulation or the new land use regulation shall be considered acknowledged upon the expiration of the 21-day period.

Under ORS 197.830 (9) a notice of intent to appeal a land use decision or limited land use decision shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Steven Santos, DLCD Economic Development Planning Specialist
Christine Valentine, DLCD Natural Hazards & Floodplains Specialist
Steve Oulman, DLCD Transportation Planner
Maryann Hills, City of Aumsville

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NOTICE OF ADOPTED AMENDMENT

February 7, 2006



TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Aumsville Plan Amendment
DLCD File Number 001-05 (Phase II)

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 23, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Steven Santos, DLCD Economic Development Planning Specialist
Christine Valentine, DLCD Natural Hazards & Floodplains Specialist
Steven Santos, DLCD Economic Development Planning Specialist
Marguerite Nabeta, DLCD Regional Representative
Maryanne Hills, City of Aumsville

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DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

DEPT OF

FEB 03 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: CITY OF AUMSVILLE

Local File No.:

NONE

(If no number, use none)

Date of Adoption: PHASE I: 08/08/05 PHASE II: 01/23/06

Date Mailed:

02/02/06

(Must be filled in)

(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 05/06/05

Comprehensive Plan Text Amendment

X Comprehensive Plan Map Amendment

X Land Use Regulation Amendment

X Zoning Map Amendment

New Land Use Regulation

Other:

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Ordinance No. 323, Land Use Planning and Development amendments including: (1) New ID-Interchange Development section. (2) Zoning Map designation changes to Map 082W25AD, Parcels 100, 15500, 15600; Map 082W25AA, Parcels 100, 1100, 1200, 1300; Map 081W30, Parcels 1600, 1700, 1800, 2000, 2100, 2200 from I-Industrial to ID-Interchange Development zoning. (3) Revisions amending Subdivision Decision Criteria and Replatting to rename a section title. (4) Relocation and renumbering of Supplementary Zone Regulations, Flood Hazard and Severability sections. (5) Addition of Flood Plain Regulations from Ordinance No. 487 to the Flood Hazard section. (6) Revision amending the Table of Contents. (7) Landscaping Design. (8) Addition of employee parking for Eating & Drinking establishments. (9) Minor formatting, grammar and consistency changes throughout the ordinance.

Ordinance No. 562 includes amendments to the Development Ordinance No. 323 as follows: Vehicle and Bicycle Parking Space Requirements, Street Design Standards correction, Street Names, Accessory Structures, Clear Vision Requirements, Front Yard Fences and Walls, deletion of the Yards Illustration, updated Clear Vision Calculation Illustration.

Ordinance No. 465, Comprehensive Plan, map changes to Map 082W25AD, Parcels 100, 15500, 15600; Map 082W25AA, Parcels 100, 1100, 1200, 1300; Map 081W30, Parcels 1600, 1700, 1800, 2000, 2100, 2200 from I-Industrial to ID-Interchange Development designation...

"Same." If you did not give notice for the proposed amendment, write "N/A."

Ordinance No. 552 includes amendment to the Development Ordinance No. 323 as follows: Yard Requirements and Vehicle and Bicycle Parking Space.

Ordinance No. 562 includes amendments to the Development Ordinance No. 323 as follows: Vehicle and Bicycle Parking Space Requirements, Street Design Standards correction, Street Names, Accessory Structures, Clear Vision Requirements, Front Yard Fences and Walls, deletion of the Yards Illustration, updated Clear Vision Calculation Illustration.

Plan Map Changed from: I- INDUSTRIAL to ID- INTERCHANGE DEVELOPMENT

Zone Map Changed from: I- INDUSTRIAL to ID- INTERCHANGE DEVELOPMENT Aumsville/Shaw Hwy Interchange

Location: and 1st Street Acres Involved: 74.9

Specify Density: Previous: NO CHANGE New: NO CHANGE

Applicable Statewide Planning Goals: 9, 11, 12

Was an Exception Adopted? Yes: No: X

DLCD File No.: 001-05 (14362)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: NONE

Local Contact: MARYANN N HILLS Area Code + Phone Number: 503.749.1049
CITY ADMINISTRATOR

Address: 595 MAIN STREET

City: AUMSVILLE OR Zip Code+4: 97325-9005

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed to DLCD within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

ORDINANCE NO. 551

AN ORDINANCE AMENDING ORDINANCE NO. 465, TO UPDATE THE AUMSVILLE COMPREHENSIVE PLAN MAPS AND AMENDING ORDINANCE NO. 323, BY CHANGING THE OFFICIAL ZONING MAP.

WHEREAS, the following public notices were given as mandated by the Aumsville Development Ordinance, the Aumsville Comprehensive Plan, the Citizen Involvement Policy and state law. Notice of proposed action was mailed to the Department of Land Conservation and Development on May 6, 2005. The Aumsville Planning Commission public hearing notice was mailed to all property owners whose property would be affected on May 27, 2005, as certified by the assessor; and published in the June 2005 Aumsville Newsletter. The Aumsville City Council public hearing notice was published in the July 2005 Newsletter.

The City of Aumsville ordains as follows:

SECTION 1. Comprehensive Plan Map 2.1. The attached Exhibit "A" is adopted as the new Aumsville Comprehensive Plan Map 2.1, by changing Map 082W25AD, Parcels 100, 15500, 15600; Map 082W25AA, Parcels 100, 1100, 1200, 1300; Map 081W30, Parcels 1600, 1700, 1800, 2000, 2100, 2200 from I-Industrial to ID-Interchange Development designation.

SECTION 2. Comprehensive Plan Map 2.2. The attached Exhibit "B" is adopted as the new City of Aumsville Zoning Map 2.2, by changing Map 082W25AD, Parcels 15500 and 15600 and Map 082W25AA, Parcel 100 from I-Industrial to ID-Interchange Development designation.

SECTION 3. Development Ordinance Zoning Map Change. The Official Zoning Map, as described in Section 2.00 of Ordinance No. 323, is amended as shown on the attached Exhibit "C" by changing the zoning designation on Map 082W25AD, Parcels 15500 and 15600 and Map 082W25AA, Parcel 100 from I-Industrial to ID-Interchange Development zoning.

SECTION 4. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

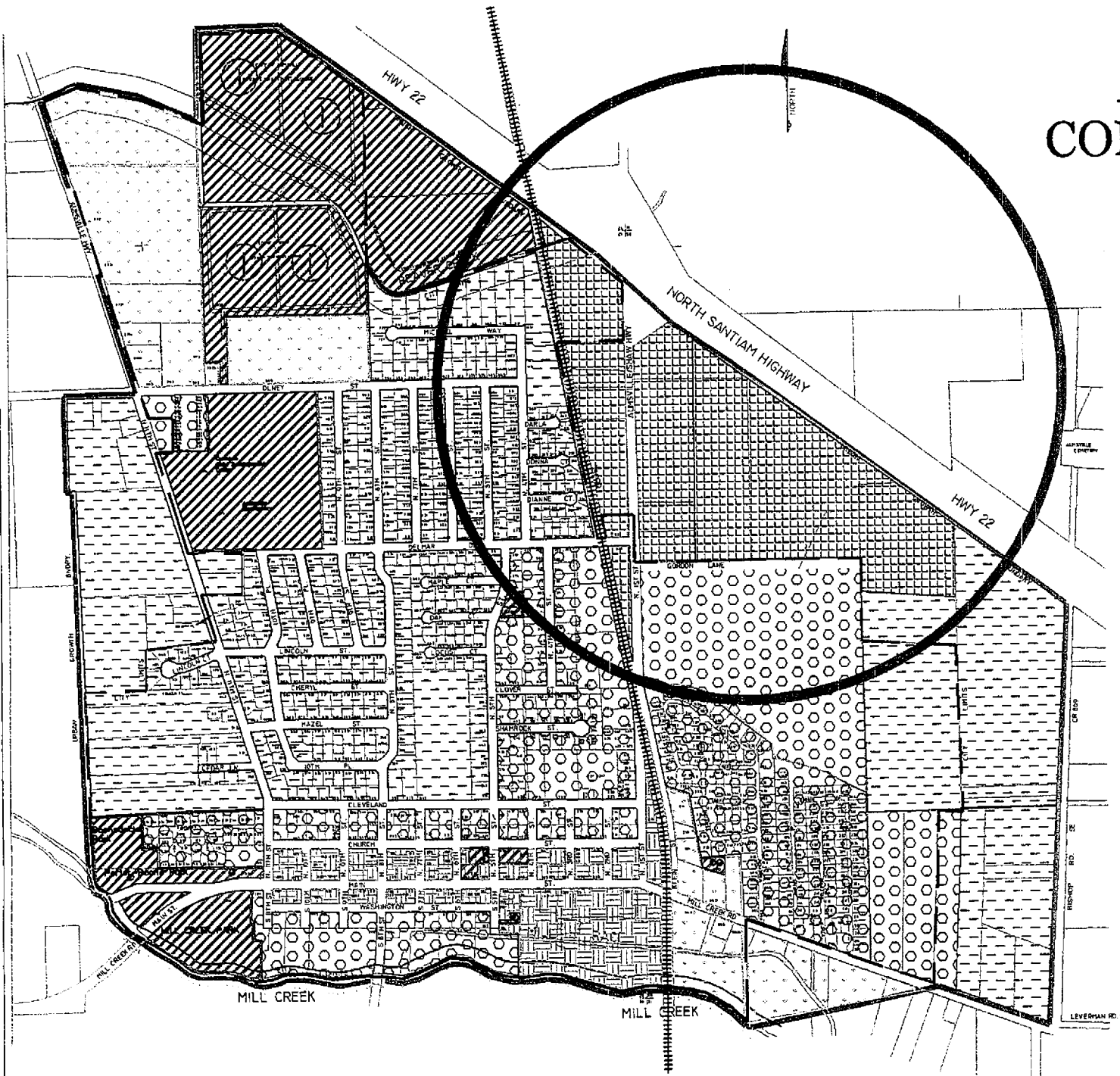
READ first on the 25th day of July, 2005. READ a second time on the 8th day of August, 2005. ADOPTED AND PASSED by the Aumsville City Council on the 8th day of August, 2005.

Maryann N. Hills
Maryann N. Hills, City Administrator

SIGNED by the mayor this 9th day of August, 2005

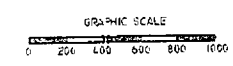
Harold L. White
Harold L. White, Mayor

AUMSVILLE COMPREHENSIVE PLAN MAP 2.1



- CITY LIMITS
- ⊙ SEWAGE TREATMENT LAGOONS
- URBAN GROWTH BOUNDARY
- ⋯ RAILROAD

- INDUSTRIAL
- PUBLIC
- HIGH DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- COMMERCIAL
- INTERCHANGE DEVELOPMENT














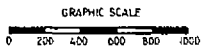
THIS MAP IS ILLUSTRATIVE AND
SHOULD ONLY BE USED FOR
GENERAL PLANNING

BY:	DATE	REVISION
SCO	5/4/2005	5.8

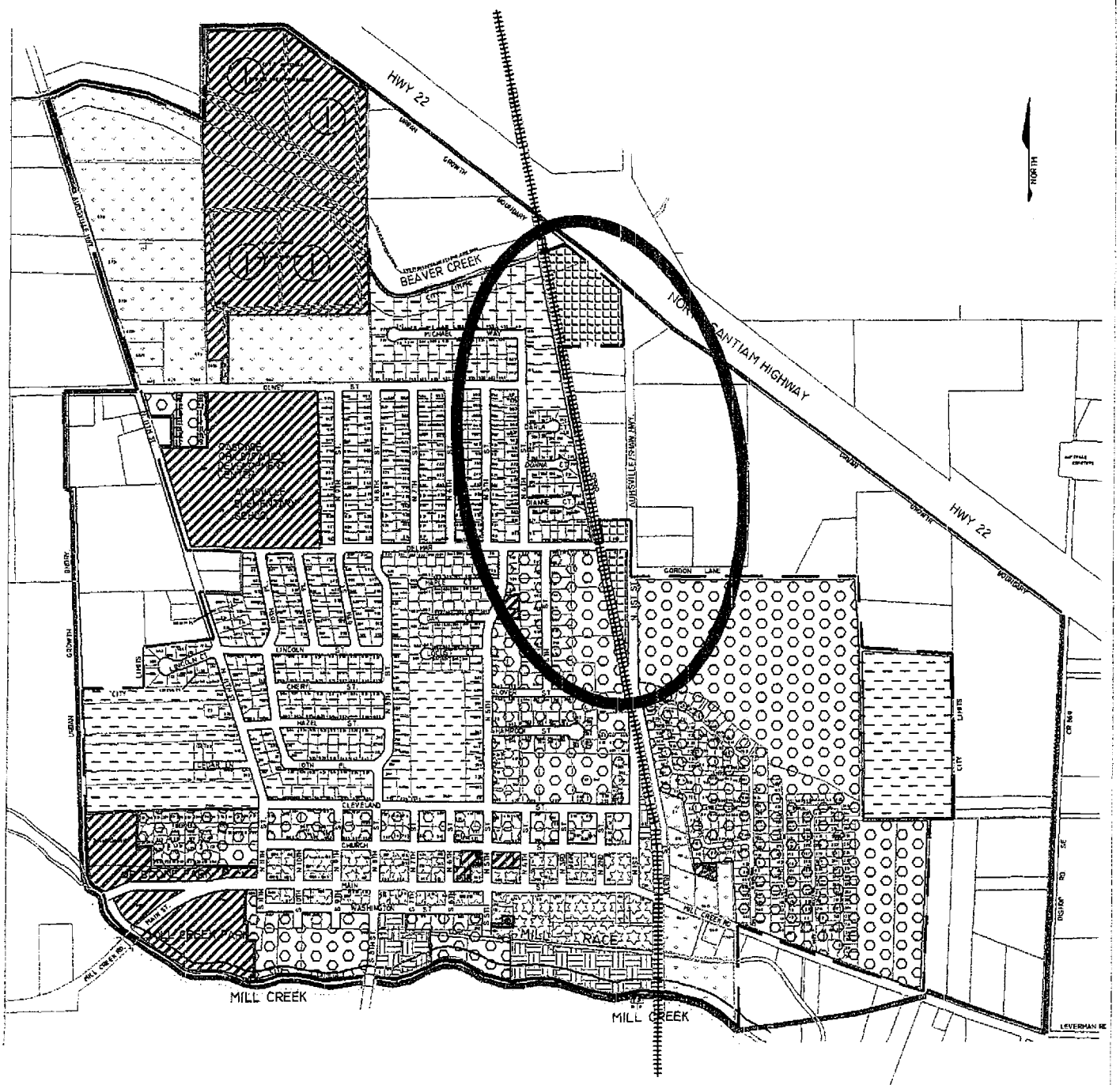
EXHIBIT A

CITY OF AUMSVILLE ZONING MAP MAP 2.2




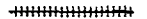
-  CITY LIMITS
-  SEWAGE TREATMENT LAGOONS
-  URBAN GROWTH BOUNDARY
-  RAIL ROAD
-  I - INDUSTRIAL
-  P - PUBLIC
-  RM - RESIDENTIAL MULTI-FAMILY
-  RS - RESIDENTIAL SINGLE-FAMILY
-  CL - COMMERCIAL
-  CL - COMMERCIAL/BUSINESS DISTRICT
-  ID - INTERCHANGE DEVELOPMENT










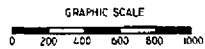
By:	Date:	Revision:
SCO	5/4/2005	4.8



AMENDED ZONING MAP CITY OF AUMSVILLE LAND USE ZONING DESIGNATIONS

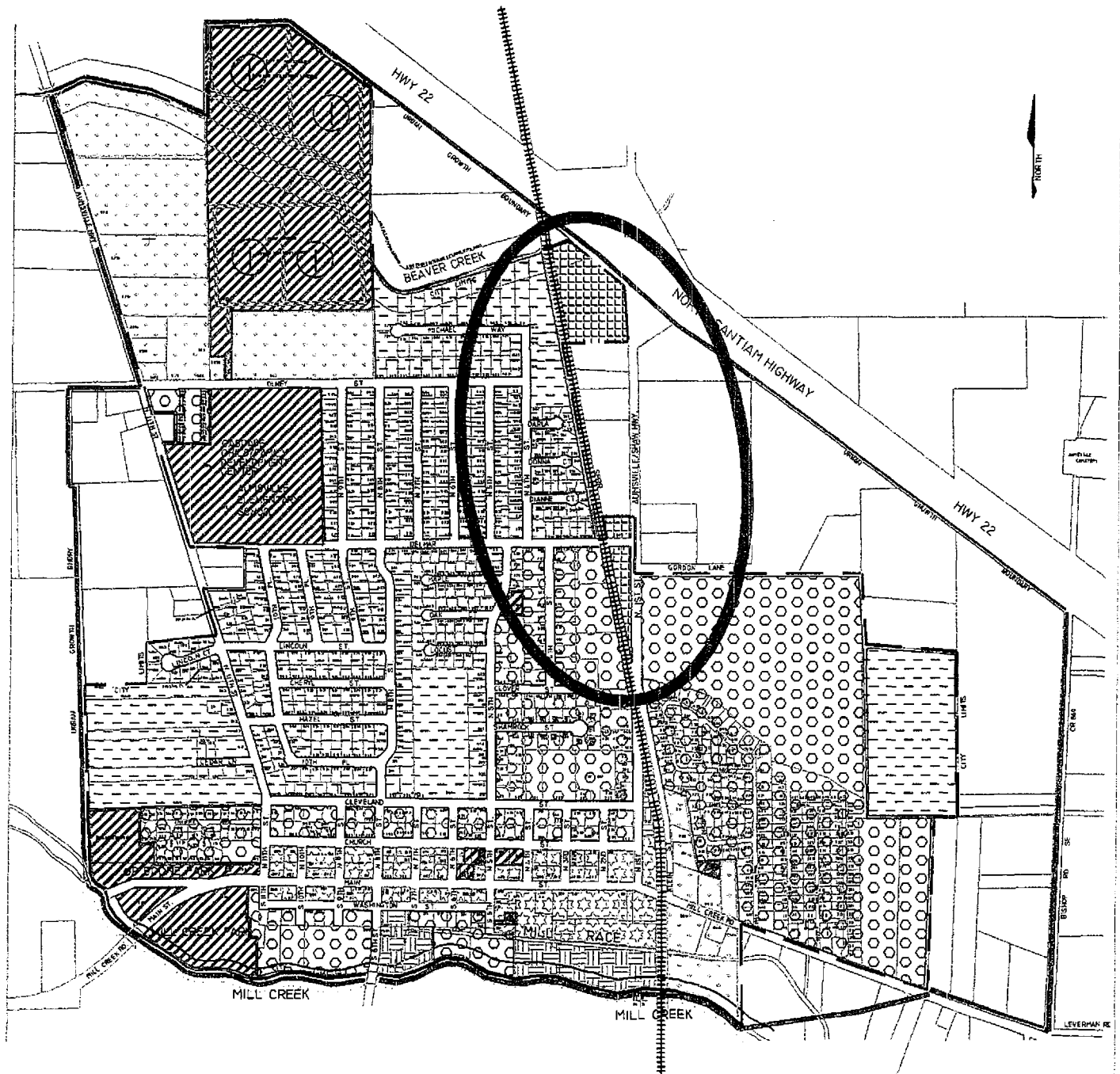
-  CITY LIMITS
-  SEWAGE TREATMENT LAGOONS
-  URBAN GROWTH BOUNDARY
-  RAIL ROAD

-  I - INDUSTRIAL
-  P - PUBLIC
-  RM - RESIDENTIAL MULTI-FAMILY
-  RS - RESIDENTIAL SINGLE-FAMILY
-  CL - COMMERCIAL
-  CL - COMMERCIAL/BUSINESS DISTRICT
-  ID - INTERCHANGE DEVELOPMENT



By: Date Revision
SCO 5/4/2005 4.8

EXHIBIT C



ORDINANCE NO. 552

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE NO. 323,
RELATING TO LAND USE PLANNING AND DEVELOPMENT.**

The City of Aumsville ordains as follows:

SECTION 1. The Table of Contents, of Ordinance No. 323, is amended by adding an Interchange Development (ID) Zone to Section 10.00, so it can be placed adjacent to other zones in the ordinance. The current Section 10, Supplementary Zone Regulations/Flood Hazard will be renumbered as Section 22.00 and the current Section 22, Severability will be renumbered to Section 23.00.

SECTION 2. Section 1.00, Definitions of Ordinance No. 323, is amended to correct the Yard definition as follows:

Yard: Any open space, which is required, created or is maintained on a lot and which is not obstructed from the ground up by any structure or building. (See Yard Illustrations after Section 23.00 and Section 22.07 Yard Exceptions).

SECTION 3. Section 5.07 of Ordinance No. 323, is amended to read as follows:

5.07 Minimum Yard Requirements:

- (A) Front: 20 feet
- (B) Interior: 5 feet – one story
8 feet – two stories

(See Yard Illustrations after Section 23.00)

SECTION 4. Section 6.07 of Ordinance No. 323, is amended to read as follows:

6.07 Yard Requirements:

- (A) Front: 20 feet;
- (B) Interior Side: One story, 5 feet;
Two story, 7 feet;
Three story, 8 feet;
Four stories and above, 8 feet plus 1
foot for each story over 3.
- (C) Interior Rear Yard: 10 feet plus 1 foot for each story over 3.

SECTION 4. Section 10.00 of Ordinance No. 323 is amended by replacing the old Section 10.00 and adding a new ID – Interchange Development Zone to read as follows:

SECTION 10.00

ID – Interchange Development Zone

10.01 Purpose. To provide for industrial, commercial and office uses on property located at the State Highway 22 interchange. The transportation amenities offered by Highway 22 will be a factor in attracting industrial and commercial users. However, the community views the interchange area as the key entry point into the City. For this reason, the quality of the site design will be emphasized. In providing for the development of the interchange area, it is essential that the principal function of the intersection be preserved.

10.02 Permitted Use: The following uses are permitted, subject to a Site Development Review and conformance with the provisions in the Section. In interpreting this Section, these uses are considered allowed unless the Planning Commission determines the activity or use as implemented will violate provisions in Section 23.04(S):

(A) Industrial-Related Activities

- (1) Manufacturing: Warehouses and distribution facilities; assembly, including light manufacturing, processing and packaging of non-edible products, treatment, fabrication of goods or merchandise; and similar uses.
- (2) Research centers and laboratories.
- (3) Telecommunication centers, including call centers.

(B) Retail and Services

- (1) Commercial and government offices.
- (2) Restaurants with drive-in facilities and specialty restaurants. Other eating and drinking places are conditional uses.
- (3) Banks.
- (4) Business services, such as photocopy and mailing centers.
- (5) Traveler accommodations, including hotels and motels; but excluding camping and recreational vehicle parks.
- (6) Veterinary Services
- (7) Cleaning and maintenance services to dwellings and other buildings.

(C) Other Uses:

- (1) Accessory buildings, structures and uses normal and incidental to the uses permitted in this district;
- (2) Public right-of-way;
- (3) Other similar developments which the city may find to be similar to those listed as permitted in this zone and which are not inconsistent with its purpose.

10.03 Conditional Uses: The following activities are conditionally allowed in the ID zone:

- (A) Convenience stores.
- (B) Service stations; but excluding repair facilities.
- (C) Towing services; but excluding storage of vehicles.

- (D) Eating and drinking places, other than drive through and specialty restaurants.
- (E) Retail activities that are designed to serve the community or region.
- (F) Other uses determined by the Planning Commission to be of similar character to those specified above.
- (G) In addition to the criteria of Section 14, conditionally permitted uses shall not be approved unless the proposal satisfies the following specific criteria:
 - (1) There is a demonstrated need in the interchange development area for such a use.
 - (2) The use will primarily service interchange development area customers.
 - (3) Traffic will not be generated by the use, which would substantially hinder or impair truck circulation in the area.
 - (4) There is no suitable commercial land located elsewhere within the City.

10.04 Prohibited Activities: The following uses are prohibited in the ID Zone

- (A) Agriculture and Forestry:
 - (1) Agriculture production crops;
 - (2) Forest nurseries and tree seed gathering and extracting.
- (B) Construction, including building construction general contractors.
- (C) Tanneries.
- (D) Energy plant.
- (E) Rendering plants.
- (F) Wrecking, demolition, junk yards, including recycling firms.
- (G) Waste transfer stations.
- (H) Chemical manufacturing plants
- (I) Cement, concrete, lime or gypsum manufacturing.
- (J) Asphalt plants; aggregate plants.
- (K) Fertilizer manufacturing or distribution.
- (L) Manufacturing activities involving primary metal industries such as foundries/forge shops, smelters, blast furnaces, boiler-works, and rolling mills; manufacture of flammable, hazardous, or explosive materials; creosote and related products; coal tar and related products
- (M) Storage warehouses for public use.
- (N) Manufacture or storage of oil, gasoline, or petroleum products for distribution, not including service stations.
- (O) Processing and packaging of food products.
- (P) Commercial outdoor recreational uses, amusement parks, or sports arenas, not including golf courses or country clubs.
- (Q) Truck, trailer, heavy machinery, or farm equipment storage.
- (R) Building or construction supply, sales or storage yards.
- (S) Any other use which is or can be operated in such a manner as to create a dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust, dirt, or other forms of air pollution; electrical or other disturbance; glare; or other substance, condition or element is such amount as to adversely affect the surrounding area or premises, as may be determined by the Planning Commission.

10.05 Performance Standards: The discharge of solids, liquids or gases which are detrimental to the public health, safety and welfare causing injury to human, plant or animal life or to property is prohibited in the ID Zone. Further, no land or structure shall be used or occupied unless therein continuing compliance with the following standards:

- (A) Heat, glare and light: All operations and facilities producing heat, glare or light, including exterior lighting, shall be so directed or shielded by walls, fences, evergreen plantings, that such heat, glare or light is not reflected onto adjacent properties or streets.
- (B) Noise: No noise or sound shall be of a nature, which will constitute a nuisance as documented by the chief of police.
- (C) Sewage: No categorical wastewater discharges are allowed. Adequate provisions shall be in place for the disposal of sewage and waste materials and such provisions shall meet the requirements of the city of Aumsville sewage disposal system.
- (D) Vibration: No vibration other than that caused by highway vehicles and trains shall be permitted which is discernible without instruments at or beyond the property line for the use concerned.

10.06 Minimum Lot Area and Dimensions: None.

10.07 Maximum Height of Structure: 50 feet.

10.08 Setbacks:

- (A) Highway 22: 30-feet
- (B) Designated arterial or collector: 20-feet
- (C) Local Street: 15-feet
- (D) Side yard: 15-feet
- (E) Rear yard: 15-feet
- (F) Setback Exceptions: Notwithstanding the requirements set forth in this subsection, the following exceptions apply:
 - (1) Setbacks from any street may be reduced by 5-feet when landscaping, screening material, or other mitigation techniques are provided, to a degree greater than that called for in this section, which effectively screen the parking areas and building service areas from the street.
 - (2) Setbacks of up to zero feet along all local designated streets and property lines may be provided in commonly planned projects which exhibit characteristics of an urban village which includes extensive amenity areas, strong pedestrian, transit, and bicycle orientation, varied and high quality building materials, complex and interesting building massing, and extensive landscaping.

10.09 Design Requirements: Building design shall be subject to the following:

- (A) Building material should be of high quality and attractive appearance using matte texture earth tones. Masonry, brick, and stone in their natural state are preferred as principal cladding materials. Textured concrete, architectural block, stucco, modulated in jointed patterns and pre-cast concrete with appropriate detailing are

also acceptable materials. Materials, detailing, and colors should be repeated on all building facades.

- (B) Unpainted or un-textured concrete or masonry, metal buildings, and unpainted metal are prohibited.
- (C) The use of roof or facade offsets or breaks is encouraged. Roof planes should be varied. Facade lines should be broken at least every forty feet on all building sides.
- (D) All mechanical equipment to be screened from view in a manner consistent with the design of the structure and site.
- (E) The color palette should be simple and consistent within projects. Colors should be compatible with neighboring development. Bright or primary colors shall be limited to accent elements.

10.10 Landscaping. All rights-of-way and setbacks are to be landscaped and maintained by property owners as follows: (See also Section 23.00, Landscaping Design)

- (A) Sites shall include landscaped areas, hard surface landscapes, public plazas, walks, and sidewalks.
- (B) All setback areas shall be landscaped; parking or other physical improvements shall be prohibited within required setback areas.
- (C) Street trees: At least one tree per forty lineal feet shall be provided between the sidewalk and back of curb. An additional tree and ten shrubs per forty lineal feet must be provided within ten feet of the sidewalk.

10.11 Signs: Signs shall be subject to the provisions in Section 19. The following additional provisions shall apply to development within the ID zone. Where conflicts occur, the more restrictive regulations shall apply.

- (A) A sign plan is required for all development. All signs shall be architecturally integrated with the overall project design.
- (B) Permitted freestanding signs are limited to monument signs. Monument signs shall not exceed thirty-two square feet per face nor shall the sign area exceed four feet in height or six feet total for the sign structure, and the horizontal length shall not exceed eight feet. A sign not complying with these provisions may be established through a Conditional Use Permit pursuant to provisions in Section 14.
- (C) Wall signs may not extend above roof line and shall be consistent throughout the project.

10.12 Parking and Loading: See the Parking and Loading section of this ordinance (Section 18.00). In addition to compliance with the provisions in Section 18.00, all lots exceeding 50 spaces shall include the following landscaping provisions:

- (A) At least 5% of the parking area shall be landscaped. The landscaping improvements may count toward the minimum landscaping requirements.
- (B) The ends of parking rows must have six-foot wide planting islands with a minimum of two shade trees and eight shrubs.
- (C) Landscaped medians shall be required between every fourth parking row with at least one shade tree and eight shrubs for every thirty lineal feet of median.

10.13 Transportation Impact Study. In addition to the site development review provisions in

Section 21.00, the City may request a transportation impact study for development within the ID zone. This study shall be based on the requirements of the Oregon Department of Transportation.

10.14 Site Development Review Required. All new uses and any expansion of existing structures or uses shall be subject to a Site Development Review.

SECTION 5. Section 20.45 of Ordinance No. 323 is amended to read as follows:

20.45 Decision Criteria: Approval of a subdivision request shall require compliance with the following decision criteria:

- (A) The overall dwelling density shall be consistent with policies contained in the Comprehensive Plan.
- (B) Each lot shall satisfy the dimensional standards of applicable zoning district, unless a variance from these standards is approved.
- (C) Adequate public facilities shall be available to serve the newly created lots and transportation shall be coordinated with the school district.
- (D) The subdivision shall comply with the applicable design criteria in Section 20.70.

SECTION 6. Section 20.62 of Ordinance No. 323 is amended to read as follows:

20.62 Replat Process / Procedures:

- (A) Replat Review Procedures. A replat of a recorded subdivision or partition plat shall be reviewed as a new request for a subdivision or partition and shall be subject to all provisions of this chapter. This requirement shall also include applicable public hearing and notice requirements.
- (B) Final Replat Review. Final review of a replat shall comply with the final plat review procedures for a partitioning or subdivision, whichever is applicable to the request.

SECTION 7. Section 10 and the Illustrations of Ordinance No. 323 are renumbered and moved to a new Section 22 to read as follows:

SECTION 22.00

SUPPLEMENTARY ZONE REGULATIONS

22.01 Clear Vision Area

22.02 Fences, Hedges and Walls

22.03 Exception to Height Regulations

22.04 Parking and Storage of Certain Vehicles

- 22.05 Parking in Required Yards Prohibited
- 22.06 Average Yard Setback Adjacent to a Street
(Front and Exterior Side Yards)
- 22.07 Yard Exceptions
- 22.08 Off-Street Parking
- 22.09 Setback Measurement
- 22.10 Outside Storage

FLOOD HAZARD

- 22.20 Compliance with Ordinance No. 346
- 22.21 Disclaimer of Liability
- 22.22 Time Limit of Flood Plain Development Permit

SECTION 22.00

Supplementary Zone Regulations

22.01 Clear Vision Area:

- (A) A clear vision area shall be maintained on each corner of a property at the intersection of two streets, a street and a railroad intersection, and driveways to and from parking areas.
- (B) A clear vision area shall contain no planting, sight-obscuring fence (open chain link excluded), wall, hedge, structure, vehicle parking, or any temporary or permanent obstruction exceeding 4 feet measured from the ground. Trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of 8 feet above the ground. The vision clearance area may be increased by the Council, Commission, or Administrative Official upon finding that more sight distance is required. (i.e., due to traffic speeds, roadway alignment, etc.)
- (C) A clear vision area shall consist of a triangular area, 2 sides of which are lot lines or property lines for a distance of 20 feet for corner properties and 20 feet for driveways and railroad intersections. In the case of driveways, the 20 feet shall be measured from the centerline of the driveway. Where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured. The 3rd side of the triangle shall be a line connecting the non-intersecting ends of the other 2 lines. (See illustrations at the end of Section 23.00).

22.02 Fences, Hedges and Walls:

(A) Location and Height.

- (1) Residential and Commercial Fences and Walls. Fences and walls shall be constructed with the Clear Vision Area requirements in Section 22.01 and Property provisions in Section 22.02(B). Fences and walls shall be up to 8 feet in height except:
 - (a) In clear vision areas (See Section 22.01 above); and
 - (b) Front yard fences shall be up to 4 feet in height (See Front Yard Illustration after Section 23.00); and
 - (c) Front yard walls shall be up to 4 feet in height (See Front Yard Illustration after Section 23.00); and
 - (d) Any fence or wall over 6 feet in height requires a building permit; and
 - (e) Fences and walls constructed on the property line require a written agreement between adjoining property owners, which shall be recorded with the Marion County Clerk.
- (2) Industrial Fences. Fences shall be no higher than 8 feet, including any security barbed wire. A fence constructed in an industrial zone may, for security purposes, have the top one foot of the fence constructed with barbed wire. The wire shall be straight up or slanted into the property and shall be placed only on chain link fences constructed in industrial zones.
- (3) Hedges.
 - (a) Hedges shall be planted in compliance with the Clear Vision Area requirements in Section 22.01 and Property provisions in Section 22.02(B);
 - (b) Front yard hedges shall be up to 4 feet in height (See Front Yard Illustration after Section 23.00);
 - (c) Hedges shall be maintained to be healthy and not overgrow onto adjacent properties or sidewalks. Plants forming hedges shall be replaced within 6 months after dying or becoming diseased;
 - (d) Hedges that are dead or diseased, or poses a hazard to personal safety, property, or the health of other vegetation such as trees and hedges, shall be removed by the property owner; and
 - (e) Hedges and other landscaping may be established to provide visual screening and privacy within the side and rear yards; while leaving front yards and building entrances mostly visible for security purposes.

(B) Property.

- (1) Damage. Where fences, walls, hedges or plantings exist on city property, easements or rights-of-way, the city absolves itself from all responsibility for replacing said fences, walls, hedges or plantings disturbed or damaged by the city accessing the existing easements or rights-of-way to either fix, repair or replace utilities.
- (2) Notification. Property owners that have fences, walls, hedges or plantings located in an existing easement or right-of-way shall be notified 10 days in advance of any city work requiring the property owner to remove fences, walls, hedges or plantings.
- (3) Access. In all instances fences, walls and hedges shall not be placed within 3 feet of a fire hydrant or utility service equipment, e.g., water meter, valve box,

television/telephone pedestal or power transformer.

- (4) Injury. Where fences, walls or plantings exist on city property or easement rights-of-ways, the adjoining property owner shall be liable to any person suffering personal injury caused thereby.
- (5) In the case of an emergency, the city may take any and all necessary steps to ensure the health, safety and welfare of the citizens of Aumsville. Said steps may include the removal or damage of fences, walls, hedges, or plantings, which may be on the city's property, easements, or rights-of-way. The city may take all reasonable steps necessary to remove any encroachments upon the city right-of-way to ensure the health, safety and welfare of the citizens. Said steps shall be taken by the city without any requirement of notification to the person responsible for the placement of the encroachment upon the city's property, easements, or rights-of-way.

(C) Materials.

- (1) Fences and walls shall not be constructed or not contain any material that could cause bodily harm, such as barbed wire (with exceptions), broken glass, spikes, or any other hazardous or dangerous materials. Electric fences are not permitted.
- (2) Electric or barbed wire fences intended to contain or restrict cattle, sheep, horses or other livestock, and existing prior to annexation to the city, may remain.

(D) Maintenance and Construction.

- (1) Fences and walls shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning, missing sections, broken supports, non-uniform height, and uncontrolled growth of vegetation.
- (2) Wooden materials shall be protected from rot, decay and insect infestation.
- (3) Fences, walls, hedges or plantings shall be constructed in a manner and located upon the subject property to take into account safety of individuals, traffic flow, driveways, roadways and that it does not block the view of pedestrians and automobiles.

(E) Variances. Variances shall be handled pursuant to a variance request under Chapter 13.00 of this ordinance.

22.03 Exception to Height Regulations: The height limitations contained in the zoning district do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

22.04 Parking and Storage of Certain Vehicles: Automobile vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings or in developed parking areas.

22.05 Parking in Required Yards Prohibited: In a residential zone, parking of vehicles shall not be allowed, exclusive of driveways, within the required yard area. The interior yard areas may be used unless otherwise prohibited by this ordinance.

22.06 Average Yard Setback Adjacent to a Street: Every building requiring a front yard shall set back from the front property line at least 20 feet, except in the case where on the same side of the street, buildings are between 20 and 10 feet from the front property line, then the average depth may be used. Average depth is calculated from the closest part of the foundation of the existing buildings to the front property line. If existing buildings are within 10 feet of the property line, then no less than 10 feet shall be used in figuring the average. If existing buildings are more than 20 feet from the property line then the minimum requirement of 20 feet shall be used in figuring the average.

22.07 Yard Exceptions: The following exceptions to the yard setbacks shall apply:

- (A) Front Yard Projections. Fences, planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features of not more than 24 inches, from main buildings need not be included when determining the setbacks. Uncovered porches, and covered but unenclosed porches when not more than 1 story high and which do not extend more than 5 feet beyond the front walls of the building, are exempt from the front yard setback provisions and need not be included when determining the setback.
- (B) Interior Yard Projections. Fences, cornices, eaves, gutters, and fire escapes, when not prohibitive by any other code or ordinance, may project into a required interior yard not more than one-third of the width of the interior yard, nor more than 3 feet in any case. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, and ornamental features may project not more than 2 feet into a required interior yard, provided, however, chimneys and flues shall not exceed 6 feet in width. Uncovered decks and patios attached to the main building may be erected to within 3 feet of the interior property line, when they are 3 feet or less in height from ground level and when measured directly beneath the outside edge of the deck or patio.
- (C) Interior Rear Yard Projections.
 - (1) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters and other ornamental features, may project not more than 2 feet into a required interior rear yard, provided, however, chimneys and flues shall not exceed 6 feet in width.
 - (2) A fire escape, balcony, outside stairway, cornice or other unenclosed, unroofed projections may project not more than 5 feet into a required interior rear yard and set back at least 6 feet from any property line.
 - (3) Fences, planter boxes, steps, uncovered porches, and covered but unenclosed porches, including covered patios when not more than one story high and not more than 4 feet above grade, and which shall not come closer than 14 feet from the interior rear lot line, are exempt from the minimum interior rear yard depth requirements.
 - (4) Uncovered decks and patios attached to the main building, when measured directly beneath the outside edge of the deck or patio, may be extended to the interior rear yard property line when they are 3 feet or less in height from ground level.

22.08 Off-Street Parking: Except for residential users, required parking facilities may be located on an adjacent parcel of land or separated only by an alley, provided the adjacent parcel is maintained in the same ownership as the use it is required to serve. Except for

industrial uses, required parking shall not be located in a required front or interior yard setback area abutting a public street.

22.09 Setback Measurement:

- (A) Measurement: Setback distance shall be measured perpendicular to all portions of a lot line.
- (B) Accessory Structures: Accessory structures with a wall height of less than 8 feet and no openings facing an interior lot line shall maintain a setback distance of 3 feet from such property lines.

22.10 Outside Storage: In any district, outside storage display of materials, junk, parts or merchandise shall not be permitted within a required front yard.

Flood Hazard

22.20 Compliance with Ordinance No. 487: Development in Flood Hazard Areas shall comply with the following Ordinance 487, Flood Plain Regulations and Procedures, and the requirements of the major zoning district in which it is located:

Section 1. Statement of Purpose. It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money and costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Section 2. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Area of Special Flood Hazard means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designations on maps always includes the letters A or V.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as "100 year flood". Designation on maps always

includes the letters A or V.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings of other structures, mining, dredging, filling, grading, paving, excavations or drilling operations located within the area of the special flood hazard.

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found in Section 6(1)(A).

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Mobile Home is as defined in the Aumsville Development Ordinance.

New Construction means structures for which the start of construction commenced on or after the effective date of this ordinance.

Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start

means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footing, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation of a basement, footing, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

Substantial Improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) Before the improvement or repair is started; or
- (2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

Section 3. General Provisions.

- (1) **Lands to Which This Ordinance Applies.** This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the city of Aumsville.
- (2) **Basis for Establishing the Areas of Special Flood Hazard.** The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled the Flood Insurance Study report and Flood Insurance Rate Map for Marion County, Oregon and Incorporated Areas, effective January 19, 2000, is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at City Hall, 595 Main Street, Aumsville, Oregon.

Section 4. Administration.

- (1) **Establishment of Development Permit; Development Permit Required.** A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3(2). The permit shall be for all structures including manufactured homes, as set forth in the Definitions, and for all development including fill and other activities, also as set forth in the Definitions.
- (2) **Designation of the City Council.** The city council is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.
- (3) **Duties and Responsibilities of City Council.** Duties of the city council shall include, but not be limited to:

- (A) Permit Review. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
 - (B) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
 - (C) Review all development permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of Section 7(1) are met.
- (4) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 3(2), Basis for Establishing the Areas of Special Flood Hazard, the building commissioner shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 6, Specific Standards, and 7, Floodways.
- (5) Information to be Obtained and Maintained.
- (A) Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 4(4), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - (B) For all new or substantially improved flood proofed structures:
 - (a) Verify and record the actual elevation (in relation to mean sea level); and
 - (b) Maintain the flood proofing certifications required in Section 4(3).
 - (C) Maintain for public inspection all records pertaining to the provisions of this ordinance.
- (6) Alteration of Watercourses.
- (A) Notify adjacent communities and the Oregon Department of Land Conservation prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 - (B) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (7) Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the rules and regulations of the National Flood Insurance Program (44 CFR 59-76).

Section 5. Provisions for Flood Hazard Reduction.

- (1) General Standards. In all areas of special flood hazards, the following standards are required:
- (A) Anchoring.
 - (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - (b) All manufactured homes and mobile homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using

methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

- (2) Construction Materials and Methods.
 - (A) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (B) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - (C) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (3) Utilities.
 - (A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - (B) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and
 - (C) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (4) Subdivision Proposals.
 - (A) All subdivision proposals shall be consistent with the need to minimize flood damage;
 - (B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
 - (C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
 - (D) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).
- (5) Review of Building Permits. Where elevation data is not available through the Flood Insurance Study or from another authoritative source (Section 4(4)) applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

Section 6. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3(2), Basis for Establishing the Areas of Special Flood Hazards or Section 4(4), Use of Other Base Flood Data, the following provisions are required:

- (1) Residential Construction.

- (A) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot above the base flood elevation.
 - (B) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (b) The bottom of all openings shall be no higher than one foot above grade.
 - (c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
- (A) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - (B) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - (C) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specification and plans. Such certifications shall be provided to the official as set forth in Section 4(5)(B).
 - (D) Non-residential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 6(1)(B).
 - (E) Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).
- (3) Manufactured Homes and Mobile Homes. All manufactured homes and mobile homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home be elevated a minimum of 1 foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection 5(1)(A)(b).

Section 7. Recreational vehicles placed on sites in the floodplain are required to either:

- (1) Be on the site for fewer than 180 consecutive days;
- (2) Be fully licensed and ready for highway use, on wheels or jacking systems, attached to the site only by quick disconnect type utilities and security devices, and with no permanently attached additions; or

(3) Meet the requirements of Sections 5 and 6 of this ordinance, including the elevation and anchoring requirements for manufactured homes.

Section 8. Floodways. Located within areas of special flood hazard established in Section 3(2) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If Section 7(1) is satisfied, all new construction and substantial improvement shall comply with all applicable flood hazard reduction provisions of Section 5, Provisions for Flood Hazard Reduction.

22.21 Disclaimer of Liability: Ordinance 487 shall not create liability on the part of the city of Aumsville, any officer or employee thereof, for any flood damage that results from reliance on said ordinance or any administrative decisions lawfully made.

22.22 Time Limit of Flood Plain Development Permit: The term of an approved flood plain development permit is 1 year. The city council may extend such term for a period not to exceed 2 additional years, if upon written request, justification can be found and approved by the city council.

Illustrations (Inserted at the end of this section)

How to Calculate Clear-Vision Area

Yards

How to Calculate the Height of a Building

How to Establish Building Lines, Front and Rear for Odd Shaped Lots

Lot Types

SECTION 9. Section 22 of Ordinance No. 323 is hereby renumbered and moved to a new Section 24 to read as follows:

SECTION 24.00

Severability

24.00 Severability: The provisions of this ordinance are severable. If any section, sentence, clause or phrase of this ordinance, or its application to any statute, is determined by any court of competent jurisdiction to be invalid or unenforceable for any reason, such determination shall not affect the validity of the remainder of the ordinance and its application to any other statute, but shall continue to be in effect.

SECTION 10. Section 18.05, subsection M, of Ordinance No. 323 is amended to read as follows:

	Land Use Activity	Vehicle Spaces	Bicycle Spaces	Measurement
M.	Eating and drinking establishment	1 space per 4 seats or every 8' of bench length, plus 1 space per 2 employees	5	Per 20 vehicle spaces

SECTION 11. Except as amended herein the remainder of Ordinance No. 323 shall remain in full force and effect.

SECTION 12. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

PRESENTED AND PASSED the first reading on the 25th day of July, 2005. **PASSED** its second reading on the 8th day of August, 2005. **ADOPTED** by the Aumsville City Council on the 8th day of August, 2005.

Maryann N. Hills
 Maryann N. Hills, City Administrator

SIGNED by the mayor this 9th day of August 2005

Harold L. White
 Harold L. White, Mayor

ORDINANCE NO. 562

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE NO. 323, RELATING TO LAND USE PLANNING AND DEVELOPMENT.

WHEREAS, on August 8, 2005, the second public hearing was held before the Aumsville City Council regarding amendments to the Land Use and Development Ordinance.

WHEREAS, during the hearing it was determined that the proposed following sections needed further review by the Aumsville Planning Commission and Aumsville City Council prior to final adoption.

The city of Aumsville ordains as follows:

SECTION 1. Section 10.05(R) of Ordinance No. 323 is deleted.

SECTION 2. Section 18.05 of Ordinance No. 323 is amended as follows:

18.05 Off-Street Automobile and Bicycle Parking Requirements:

Off-street parking for vehicles and bicycles shall be provided based on the following table. Vehicle parking space improvements shall comply with provisions in Section 18.07 and bicycle parking improvements shall comply with provisions in Section 18.11.

VEHICLE AND BICYCLE PARKING SPACE REQUIREMENTS

	Land Use Activity	Vehicle Spaces	Bicycle Spaces	Measurement
A.	1, 2, and 3 family dwellings	2 spaces per dwelling unit	0	None
B.	Multi-family dwellings	2 spaces per dwelling unit	1	Per two dwelling units
C.	Hotel, motel, boarding house	1 space per guest room plus 1 space for the owner or manager	1	Per 20 guest rooms
D.	Club, lodge	Spaces sufficient to meet the combined minimum requirements of the heaviest uses being conducted, such as hotel, restaurant, auditorium	1	Per 20 vehicle spaces
E.	Hospital, nursing home	1 space per two beds and 1 space per 2 employees	1	Per 20 vehicle spaces
G.	Elementary, junior	2 spaces per classroom,		

	high school	plus off-street loading facility	3	Per classroom
H.	High school	1 space per classroom and one space per employee, plus off-street loading	1	Per classroom
I.	Bowling alley, skating rink, community center	1 space per 100 sq. ft. plus 1 space per two employees	1	Per 20 vehicle spaces
J.	Retail store, except as provided in "K"	1 space per 400 sq. ft. plus 1 space per 2 employees	1	Per 20 vehicle spaces
K.	Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles or furniture	1 space per 600 sq. feet of gross floor area, plus 1 space per 2 employees	1	Per 30 vehicle spaces
L.	Bank; office buildings; medical and dental clinic	1 space per 200 sq. ft. of gross floor area, plus 1 space per 2 employees	1	Per 20 vehicle spaces
M.	Eating and drinking establishment	1 space per 4 seats or every 8' of bench length	1	Per 20 vehicle spaces

SECTION 3. Section 20.73(B)(2) of Ordinance No. 323 is amended to read as follows:

Type of Street	Minimum Right-of-Way Width	Minimum Roadway Width	Sidewalk Width	Bikelane Width
Arterials ¹	60 feet	40 feet	5 feet	6 feet
Collectors	60 feet	40 feet	5 feet	
Local	60 feet	40 feet	5 feet	
Cul-de-sac	50 feet	40 feet	5 feet	
Cul-de-sac bulb	60 foot radius	45 foot radius	5 feet	

¹ Or consistent with county standards, when applicable.

1 **SECTION 4.** Section 20.73(O) of Ordinance No. 323 is amended to read as follows:

20.73(O) – Street Names. Except for extensions of existing streets, no street names shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the city administrator.

SECTION 5. Section 21.03(A)(6) of Ordinance No. 323 is amended to read as follows:

21.03(A)(6) – Accessory structures in residential zones with less than 600 or less square feet of floor area are exempt; over 600 square feet is a Type 1 action. In other zones the city administrator will determine applicability of site development review or Type 1 action on a case by case basis. (See Section 21.06)

SECTION 6. Section 22.01(C) of Ordinance No. 323 is amended to read as follows:

22.01(C) A clear vision area shall consist of a triangular area, 2 sides of which are lot lines or property lines for a distance of 20 feet for corner properties and 20 feet for driveways and railroad intersections. In the case of driveways and parking spaces, the 20 feet shall be measured from the centerline of the driveway or each parking space. Where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured. The 3rd side of the triangle shall be a line connecting the non-intersecting ends of the other 2 lines. (See illustrations at the end of Section 23.00).

SECTION 7. Section 22.02(A)(1)(b) and (c) of Ordinance No. 323 are amended to read as follows:

22.02(A)(1)(b) Front yard fences shall be up to 4 feet in height ; and
(c) Front yard walls shall be up to 4 feet in height ; and

SECTION 8. The “Yards” illustration following Section 23.00 of Ordinance No. 323 is deleted.

SECTION 9. The “How to Calculate Clear Vision” illustration following Section 23.00 of Ordinance No. 323 is amended per attached “Exhibit A” to add:

CENTER LINE OF DRIVEWAY OR CENTER LINE OF EACH PARKING SPACE
IF DRIVEWAY IS FOR MULTIPLE VEHICLES

Note: Measure 6’ from the outside edge of the parking space to find the center line.

SECTION 10. Section 23.00 of Ordinance No. 323 is amended to add Landscaping Design as follows:

SECTION 23.00

Landscaping Design

The purpose of this section is to establish standards for landscaping, buffering and screening of land use within Aumsville in order to enhance the aesthetic environmental quality of the city. Landscaping is a significant factor in maintaining the livability and economic viability of the community. Plant materials eliminate pollutants from the air we breathe, and maintain physical health mental equilibrium by fulfilling our instinctive need for contact with the natural environment.

Major gateways to the city and key travel routes through the city and urbanized areas give a lasting impression to the visitor for good or ill, an impression critical to our tourist economy. The knowledgeable use of plant materials by experienced professionals can achieve these extraordinary benefits at very little cost:

- By using plant materials to define spaces and articulate the uses of specific areas;
- By using trees and other landscaping materials to mitigate the effects of the sun, wind, noise and lack of privacy by the provision of buffering and screening;
- By promoting the retention and use of existing vegetation;
- By restoring natural communities through re-establishment of native plants, urban wildlife and mitigate for loss of natural resource values.

- 23.01 Purpose
- 23.02 Scope
- 23.03 Minimum Area Requirements
- 23.04 General Provisions
- 23.05 Screening and Buffering
- 23.06 Commercial, Industrial, Institutional Streetscapes
- 23.07 Planting and Maintenance
- 23.08 Revegetation in Unlandscaped or Natural Landscaped Areas
- 23.09 Recommended Street Trees

Landscaping Design

23.01 Purpose.

- A. To guide the planting and maintenance of landscaping materials.
- B. To enhance the appearance of the city, provide areas for outdoor recreation and to:
 - 1. Provide shade and windbreaks where appropriate to conserve energy in building and site development;
 - 2. Buffer and screen conflicting land uses;

3. Provide for vegetation of streetscapes within the commercial, industrial and interchange development zones;
 4. Provide for the landscaping of parking areas to facilitate vehicular movement and break up large areas of impervious surface;
 5. Promote public safety through appropriate design principles.
- C. To prevent or reduce erosion potential on steep terrain by providing appropriate landscape materials.

23.02 Scope. All construction, expansion, or redevelopment of structures or parking lots for commercial, institutional, or industrial uses shall be subject to the landscaping requirements of this section. Landscaping plans shall be submitted as required by the Site Development Review procedures of Section 21.00 and reviewed by the Aumsville Planning Commission, subject to Type II review procedures set forth in Section 12.00.

23.03 Minimum Area Requirements.

- A. The following area requirements shall be the minimum areas devoted to landscaping as listed below:
1. Commercial Developments. A minimum of 5 percent of the gross land area shall be devoted to landscaping in commercial developments. Landscaping located in rights-of-way shall be included in the minimum requirement, and shall include the use of streets, tree insets within sidewalks, or sidewalk planters. Landscaping located in rights-of-way shall be maintained by the property owner.
 2. Industrial Developments. A minimum of 10 percent of the gross land area shall be devoted to landscaping in industrial developments.
 3. Interchange Development. A minimum of 15 percent of the gross land area shall be devoted to landscaping in interchange development.
- B. For the expansion of existing developments and parking lots, or a change of use, requirements in this section shall only apply whenever a site development review or other land use application is required to complete the expansion or establish the change in use. Such expansion or change of use shall be subject to the landscaping provisions in this section.
- C. Landscaped areas may include landscaping:
1. Around buildings;
 2. In open spaces and outdoor recreation areas;
 3. In islands and perimeter planting areas in parking and loading areas;
 4. Along street frontages; and
 5. In areas devoted to buffering and screening as required in this section and elsewhere in this ordinance.

23.04 General Provisions.

- A. For purposes of satisfying the minimum requirements of this ordinance, a "landscaped area" must be planted in lawn, ground cover plants, shrubs, annuals, perennials or trees, or desirable native vegetation, or be used for other landscape elements as defined in this ordinance.
- B. Landscaping shall be designed, developed and maintained to satisfy the specific functional and aesthetic objectives appropriate to the development, considering the following:

1. Type, variety, scale and number of plants used;
 2. Placement and spacing of plants;
 3. Size and location of landscaped areas;
 4. Contouring, shaping and preparation of landscaped areas;
 5. Use and placement of non-plant elements within the landscaping;
 6. Use of root barrier planting techniques to prevent root infiltration of utility lines and limit possible surface cover damage.
- C. The landscape design shall incorporate existing significant trees and vegetation preserved on the site.

23.05 Screening and Buffering.

A. Screening shall be used to eliminate or reduce the visual impacts of the following uses:

1. Commercial and industrial uses when abutting residential uses.
2. Industrial uses when abutting commercial uses.
3. Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas.
4. Outdoor storage areas.
5. At and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners.
6. Any other area or use as required by this ordinance.

B. Screening may be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement or other design techniques.

C. Buffering shall be used to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses. Where buffering is determined to be necessary, one of the following buffering alternatives shall be employed:

1. Planting Area: Width not less than 15 feet, planted with the following materials:
 - a. At least 1 row of deciduous or evergreen trees staggered and spaced not more than 15 feet apart.
 - b. At least 1 row of evergreen shrubs which will grow to form a continuous hedge at least 5 feet in height within 1 year of planting.
 - c. Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area.
2. Berm Plus Planting Area: Width not less than 10 feet, developed in accordance with the following standards:
 - a. Berm form should not slope more than 40 percent (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary,
 - b. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use.
3. Wall Plus Planting Area: Width must not be less than 5 feet developed in accordance with the following standards:
 - a. A masonry wall or fence not less than 5 feet in height.
 - b. Lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area.

- 4. Other methods which produce an adequate buffer considering the nature of the impacts to be mitigated as approved by the planning commission.

23.06 Commercial, Industrial, Institutional Streetscapes. Trees shall be installed at street frontages as follows:

- A. Types of trees. Street trees shall be limited to a city recommended list in Section 23.09.
- B. Minimum installation size. Street trees shall be a minimum caliper of 2 inches when measured 4 feet in height at the time of installation.
- C. Spacing. The spacing of street trees by mature tree size shall be as follows:
 - 1. Small sized trees (under 25 feet tall and less than 16 feet wide) shall be no greater than 20 feet apart.
 - 2. Medium sized trees (25 feet to 40 feet tall and more than 16 feet wide) shall be spaced no greater than 30 feet apart.
 - 3. Large trees (over 40 feet tall and more than 35 feet wide) shall be spaced no greater than 40 feet apart.
- D. Placement. The placement of trees is subject to the site development review process. Tree placement shall not interfere with utility poles, light standards, power lines, utility services, visual clearance areas, or sidewalk access.

23.07 Planting and Maintenance.

- A. No sight-obscuring plantings exceeding 48 inches in height shall be located within any required clear-vision area as defined in Section 22.00 of this ordinance.
- B. A recommended maintenance plan shall be included with the application and planting plan.

23.08 Revegetation in Unlandscaped or Natural Landscaped Areas.

- A. Areas where natural vegetation has been removed or damaged through grading or construction activity in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements shall be replanted.
- B. Plant material shall be watered at intervals sufficient to assure survival and growth.
- C. The use of native plant materials or plants acclimated to the Pacific Northwest is encouraged to reduce irrigation and maintenance demands.

23.09 Recommended Street Trees.

- A. The following tree species are recommended for use as street trees:
 - 1. Trees maturing to small mature stature:

COMMON NAME	LATIN NAME
Amur Maple	Acer ginnala
Trident Maple	Acer buergeranum
Hedge Maple	Acer compestre
Globe Norway	Acer calleryana
Bradford Pear (varieties: aristocrat, chanticleer, etc.)	Pyrus calleryana
Golden Rain Tree	Koelreuteria paniculata
Redbud (needs protection from Southwest sun)	Cercis Canadensis

Kwanzan Cherry	<i>Prunus serrulata</i>
Crape Myrtle	<i>Lagerstroemia indica</i>
Flowering Plum (varieties: Flireiana, Thundercloud, etc.)	<i>Purnus cerasifera</i>
Raywood Ash or Flame Ash	<i>Faxinus oxycarpa</i>
Snowdrift Flowering Crabapple	<i>Malus 'sonwdrift'</i>
Japanese Crabapple	<i>Malus floribunada</i>
Washington Hawthorne	<i>Crataegus phaenopyrum</i>
European Hornbeam	<i>Carpinus betulus</i>
Profusion Crabapple	<i>Malus 'profusion'</i>

2. Trees maturing to medium stature:

COMMON NAME	LATIN NAME
Sargent Cherry	<i>Prunus sargentii</i>
Sweet Gum	<i>Lizuidamber styraciflua</i>
Kimberly Blue Ash	<i>Faxinus excelsior</i>
Flowering Ash	<i>Fraxinus ornus</i>
Canyon Live Oak (evergreen)	<i>Quercus chrysolepis</i>
Holly Oak (evergreen)	<i>Quercus ilex</i>
Chinese Pistachio	<i>Pistacia chinensis</i>
Variegated Boxelder	<i>Acer negundo</i>
Grecian Laurel	<i>Laurus nobilis</i>

3. Street Trees Not Recommended: The following trees are not recommended as street trees except under special circumstances and with the approval of the Public Works Director. As street trees, they cause one or more of the following problems: 1) Their roots damage sewer lines or pavement; 2) They are particularly subject to disease or insects; 3) They cause visibility problems along streets or intersections; 4) They create messy sidewalks and pavements, usually due to fruit drop; 5) Their average height at maturity is larger than the ordinance standard.

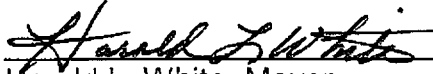
COMMON NAME	LATIN NAME
Marshall's Seedless Ash	<i>Fraxinus pennsylvanica</i>
Rosehill Ash	<i>Fraxinus Americana</i>
Norway Maple Cultivars	<i>Acer platinoides</i>
Red Maple Cultivars	<i>Acer rubrum</i>
Scarlet Oak	<i>Quercus coccinea</i>
Red Oak	<i>Quercus rubra</i>
English Oak	<i>Quercus robur</i>
Ginko Biloba	<i>Ginko Biloba</i>
Japanese Zelkova	<i>Zelkova serrata</i>
Amur Cork Tree	<i>Phellodendron amurense</i>
Thornless Honey Locus	<i>Gelitsia triacanthos</i>
English Conifers	Numerous species
Poplar and related species	<i>Populus tricarpa</i> and related species
Black Locust	<i>Robinia pseudoacacia</i>

Box Elder (except variegated)	Acer negundo
Sycamore	Platanus species
Siberian Elm	Ulmus pumila
American Elm	Ulmus Americana
Walnut	Juglans species
Weeping Willow	Saxix babylonica
Commercial Fruit Trees	Numerious species
Catalpa	Catalpa speciosa
Tree of Heaven	Ailanthus altissima
Big Leaf Maple	Acer macrophyllum
Fruiting Mulberry	Morus alba
Osage Orange	Maclura pomifera
Weeping varieties of various trees: i. e., cherry, crabapple, mulberry	

PRESENTED AND PASSED the first reading on the 9th day of January, 2006. **PASSED** its second reading on the 23rd day of January, 2006. **ADOPTED** by the Aumsville City Council on the 23rd day of January, 2006.

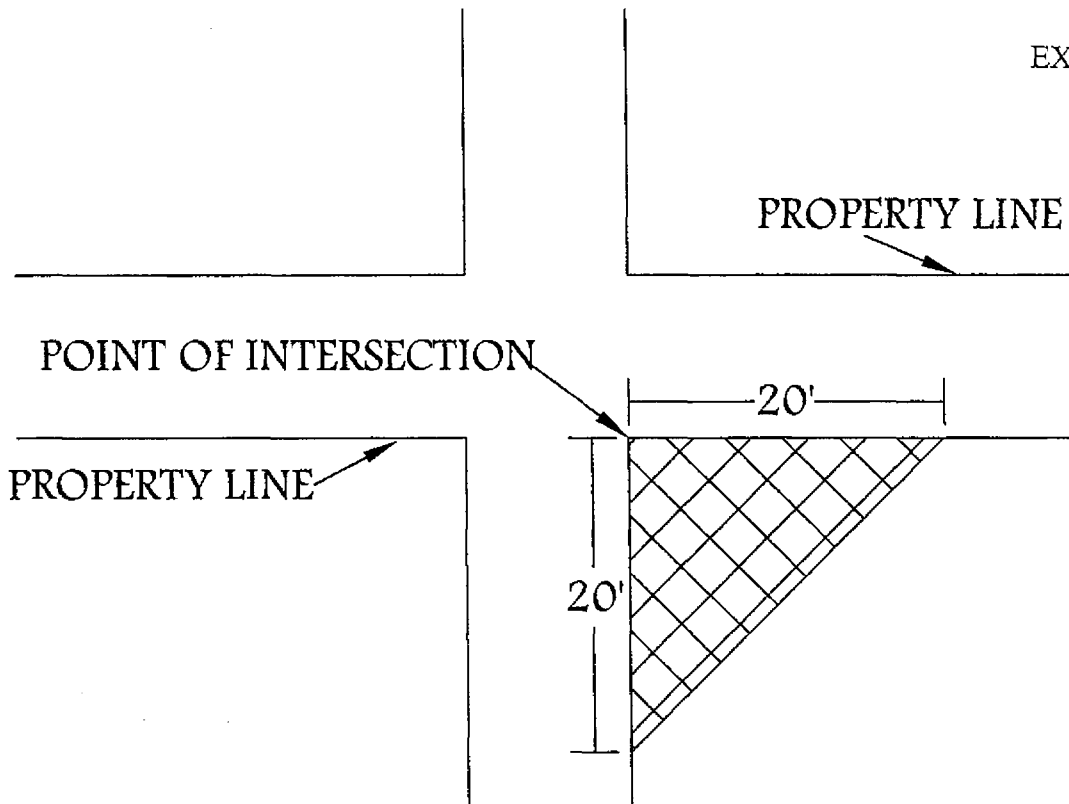


 Maryann N. Hills, City Administrator

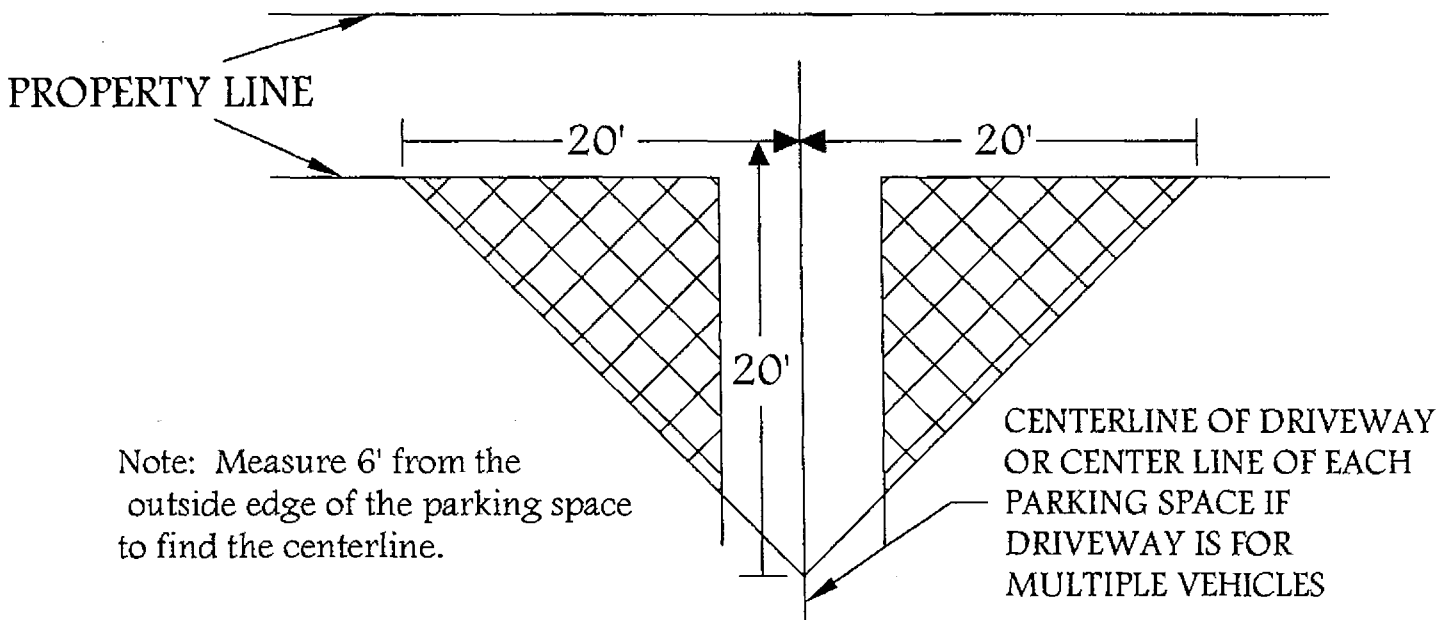
SIGNED by the mayor this 25th day of January 2006

 Harold L. White, Mayor

HOW TO CALCULATE CLEAR-VISION AREA

EXHIBIT A



CORNER PROPERTIES



ACCESS DRIVEWAY FROM PARKING AREAS AND RAILROAD INTERSECTIONS